

Appl. No. 09/482,023
Amdt. dated September 24, 2004
Reply to Office Communication of August 24, 2004

REMARKS/ARGUMENTS

Applicant acknowledges receipt of the Office Communication dated August 24, 2004, and appreciates the Examiner's recognition that the reply is bona fide and one month allowance for Applicant to respond. In that action, the Examiner: (1) noted that appeal with respect to claims 37-40 is not timely; (2) noted that the concise statement of the issues presented for review is not completely accurate; (3) noted that the brief does not contain an argument which specifies the errors in each rejection under 35 U.S.C. 103; (4) noted that the statement of the status of the claims is deficient; and (5) noted that claim 10 does not properly represent the group because claim 34 appears to be broader than claim 10.

With this Office Communication Response, Applicant takes the following actions:

Applicant cancels claims 37-40 as they are not timely for appeal. Appropriate revisions have been made to the appended Appeal Brief, including correcting the statement of the status of all the claims in the application.

The concise statement of the issues presented for review has been corrected to list the rejection of claims 31, 32 and 35 under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art in view of *Takada et al.* and in further view of *Haneda et al.* This correction can be found in the appended revised Appeal Brief.

Applicant believes claim 10 may be broader than claim 34 because claim 34 is limited by the specific shape of the gasifier throat whereas claim 10 is not. However, it is of negligible effect whether claim 10 or claim 34 represents the group of claims including 10, 15, 17-20, 31, 32, 34 and 35, and so as to expedite having the revised Appeal Brief in condition for review, Applicant now

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identifies claim 34 as representing the group. Appropriate revisions are found in the appended Appeal Brief.

Other corrections have been made to the appended revised Appeal Brief so that the brief is fully responsive to the prior Office Action, including arguments pertaining to each rejection under 35 U.S.C. 103.

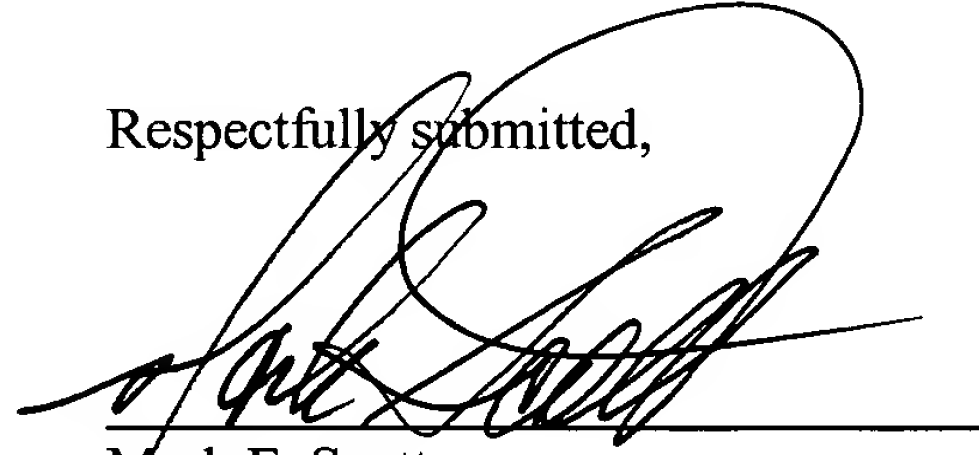
Applicant respectfully requests reconsideration of the issues presented in the Office Communication of August 24, 2004, and reinstatement of the Appeal Brief in its revised form as appended hereto. If the Examiner feels that a telephone conference would expedite the resolution of this case, she is respectfully requested to contact the undersigned.

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

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If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark E. Scott', is written over a horizontal line.

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